



Emergency Support Function #10

Hazardous Materials Annex

Primary Agency

Environmental Protection Agency

Support Agencies

U.S. Coast Guard
Department of Agriculture
Department of Commerce
Department of Defense
Department of Energy
Department of Health and Human Services
Department of the Interior
Department of Justice
Department of Labor
Department of State
Department of Transportation
Nuclear Regulatory Commission

I. Introduction

A. Purpose

Emergency Support Function (ESF) #10 — Hazardous Materials provides Federal support to State and local governments in response to an actual or potential discharge and/or release of hazardous materials following a major disaster or emergency. As an element of the Federal Response Plan (FRP), ESF #10 may be activated under one of the following conditions:

1. In response to a disaster for which the President (through the Federal Emergency Management Agency (FEMA)) determines that Federal assistance is required to supplement the response efforts of the affected State and local governments, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act; or
2. In anticipation of a major disaster or emergency that is expected to result in a declaration under the Stafford Act.

A Presidential declaration does not automatically activate ESF #10. FEMA will determine, in consultation with affected States, the Environmental Protection Agency (EPA), and the U.S. Coast Guard (USCG), if appropriate, if such activation is required to supplement the efforts of State and local governments. (The USCG will be consulted in a disaster or emergency where the predominant damage is within its jurisdiction. As primary agency for the ESF, EPA also will be consulted in such cases.) Within the context of this ESF, the term “hazardous materials” is defined broadly to include oil; hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended; pollutants

and contaminants defined under Section 101(33) of CERCLA; and certain chemical, biological, and other weapons of mass destruction (WMD). Federal response to releases of “hazardous materials” is carried out under the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR 300).

3. EPA will serve as the National Chair and lead agency for each activation of ESF #10, with close coordination with the USCG in geographic locations under USCG jurisdiction. EPA will be the ESF #10 Regional Chair in preparedness and for ESF #10 activations in response to a disaster or emergency affecting areas under EPA jurisdiction. The USCG will be the ESF #10 Regional Incident Chair for a disaster or emergency affecting only the areas under USCG jurisdiction. (Precise jurisdictional boundaries have been determined by EPA/USCG agreements and are described in the NCP as well as in greater detail in the Region Oil and Hazardous Pollution Contingency Plans (RCPs)). The USCG will receive mission assignments directly from FEMA for such responses.

(To provide a smooth interface with the response structure established under the NCP, regional incident-specific lead for ESF #10 may be transferred from one regional chair to the other if circumstances dictate.) In the event that an incident involves both EPA and USCG jurisdictions, EPA will assume the ESF #10 Incident Chair role, with the USCG serving as Vice-Chair. Each agency will have the option of transferring the lead agency or specific tasks role to the other; however, the Incident Chair will retain responsibility for effectively addressing the ESF #10 tasks, both NCP and non-NCP.

B. Scope

1. ESF #10 provides for a coordinated response to actual or potential discharges and/or releases of hazardous materials by placing the response mechanisms of the NCP within the FRP coordination structure that ensures the most efficient and effective use of Federal resources. The ESF includes the appropriate response actions to prevent, minimize, or mitigate a threat to public health, welfare, or the environment caused by actual or potential hazardous materials incidents.
2. This ESF establishes the lead coordination roles, the division and specification of responsibilities among Federal agencies, and the national and on-site response organization that may be brought to bear in response actions, including description of the organizations, response personnel, and resources that are available. This ESF is applicable to all Federal departments and agencies with responsibilities and assets to support State and local response to actual or potential discharges and/or releases of hazardous materials.
3. Response to oil discharges and hazardous substance releases will be carried out in accordance with the NCP. The NCP effectuates the response powers and responsibilities created by CERCLA, and the authorities established by section 311 of the Clean Water Act (CWA), as amended by the Oil Pollution Act (OPA). Under the NCP, an On-Scene Coordinator (OSC), designated by EPA, the USCG, Department of Defense (DOD), or Department of Energy (DOE), would undertake Federal

response actions. Appropriate response actions under the NCP include efforts to detect, identify, contain, clean up, or dispose of released hazardous materials. The actions can include stabilization of berms, dikes, or impoundments; capping of contaminated soils or sludge; use of chemicals and other materials to contain or retard the spread of the release or to mitigate its effects; drainage controls; fences, warning signs, or other security or site control precautions; removal of highly contaminated soils from drainage areas; removal of drums, barrels, tanks, or other bulk containers that contain hazardous substances; and other measures as deemed necessary.

4. In addition, ESF #10 may respond to actual or threatened releases of hazardous materials not typically responded to under the NCP but that, as a result of the disaster or emergency, pose a threat to public health or welfare or to the environment. Appropriate ESF #10 response activities to such hazardous materials incidents include, but are not limited to, household hazardous waste collection, permitting and monitoring of debris disposal, water quality monitoring and protection, air quality sampling and monitoring, and protection of natural resources.

C. Relation to Existing Response under the NCP, the National Response System, and the National and Regional Response Teams

1. Coordination of response actions carried out under this ESF is in accordance and does not conflict with the NCP duties and responsibilities of the National Response Team (NRT) and Regional Response Teams (RRTs) as carried out through the National Oil and Hazardous Substances Response System (NRS). The NRS is a highly organized network of agencies, programs, and resources with authorities and responsibilities in hazardous materials response. Key components of the NRS include the NCP, the NRT/RRTs, the National Response Center (NRC), and Area Contingency Plans. States participate in the NRS at the regional level.
2. The NRT, composed of 16 Federal agencies with major environmental and public health responsibilities for oil and hazardous substance releases, is the primary vehicle for coordinating Federal agency activities under the NCP. The NRT carries out national planning and response coordination and oversees the NRS. EPA chairs the NRT, while the USCG serves as Vice-Chair. At the headquarters level, activities under this ESF provide a bridge between the NRT and the Catastrophic Disaster Response Group (CDRG). The NRT participates in FRP-activation preparedness activities under this ESF and is expected to be closely involved in response activities if this ESF is activated. EPA is the Regional Chair of ESF #10 for incidents within its jurisdiction. For disasters that occur where the USCG has jurisdiction, the USCG is the Regional Incident Chair of ESF #10. (EPA would remain the National Chair with active USCG participation and support at the CDRG.)
3. The RRTs are made up of regional representatives of the Federal agencies on the NRT as well as a representative from each State within the region and are co-chaired by EPA and the USCG. The RRTs serve as planning and preparedness bodies before a response. During a response, RRTs marshal their respective agency response

resources and provide coordination and advice to the Federal OSC(s). Each RRT participates in preparedness activities under this ESF and is expected to be closely involved in response activities if this ESF is activated. At the regional level, activities under this ESF provide a bridge between the on-site OSC-directed NCP response (with RRT support) and the overall FRP disaster response activities carried out at the Disaster Field Office (DFO) and managed by a Federal Coordinating Officer (FCO). The OSCs will carry out their responsibilities under the NCP to coordinate, integrate, and manage the Federal effort to detect, identify, contain, clean up, or dispose of or minimize releases of oil or hazardous substances, or prevent, mitigate, or minimize the threat of potential releases. Their efforts will be coordinated under the direction of the ESF Regional Incident Chair, who is also the EPA or USCG RRT Co-Chair.

4. If the FRP is invoked and there are hazardous materials releases necessitating the activation of this ESF, the NRT/RRTs would carry out their duties and responsibilities as put forth in the NCP and agency implementing procedures. Those efforts will focus largely on specific oil and hazardous substances releases that may occur throughout the affected geographic area. There is a need, however, for a single coordination mechanism for the Federal hazardous materials response as provided through this ESF because:
 - a. It is likely that there will be several releases occurring simultaneously, making heavy demands on response resources. In order to make the best use of limited resources and to ensure the most efficient overall response, damage information must be gathered quickly, analyzed, and response priorities established as soon as possible.
 - b. Information on response activities must be provided to the DFO and the FCO on a continuous basis. In some cases, this information could be coming in from more than one State or region. To avoid confusion, this information should flow from the response site to the ESF #10 Regional Chair, to the FCO, and to the ESF #10 National Chair.
 - c. Many of the agencies represented on the NRT/RRT also will be involved in responding to the disaster under other ESFs; hence, there may be conflicting demands on their agency resources. For example, DOD, which has provided personnel and equipment for NCP responses in the past, is also a support agency to the other 11 ESFs. There may be heavy and conflicting demands on DOD resources. Any resource conflicts affecting ESF #10 will be resolved at the DFO with the FCO and the ESF Chair, then through national ESF #10, and lastly at the CDRG level.
5. EPA will carry out the overall management of preparedness and response coordination activities for this ESF. The USCG, in coordination with EPA, will carry out the management of preparedness and response coordination activities for this ESF in those affected areas where the USCG has jurisdiction. Such assistance will include the responsibility as Regional Vice-Chair or Incident Chair of this ESF.

II. Policies

A. National Contingency Plan

The NCP serves as the basis for planning and utilization of Federal resources for responding to releases or threats of releases of oil or hazardous substances. Response actions under this ESF will follow the policies, procedures, directives, and guidance developed to carry out provisions in the NCP.

B. ESF Regional Chair

During nonemergency operations, the EPA Co-Chair of the RRT will chair the regional ESF. The USCG Co-Chair of the RRT will serve as Vice-Chair of the regional ESF. Both the Regional Chair and Vice-Chair will be involved in planning for implementation of ESF #10.

C. Support Agencies

To the extent possible at both the headquarters and regional levels, support agency representatives to this ESF should be those personnel also assigned to the NRT or RRT(s). Where such dual assignments are not possible, each ESF representative is to maintain close coordination with the agency's NRT/RRT representative.

D. Multiple Response Actions

When, because of multiple response actions, more than one Federal OSC is involved in implementing response, the ESF will be the mechanism through which close coordination will be maintained among all agencies and OSCs. The EPA Regional Chair of this ESF will ensure that response actions within its jurisdiction are properly coordinated and carried out. In cases where more than one USCG district falls within an EPA region, USCG Headquarters will select the Regional Incident Chair of the ESF. The USCG Regional Incident Chair of the ESF will ensure that response actions within USCG jurisdiction are properly coordinated and carried out.

E. Terrorism Incidents

If the Terrorism Incident Annex to the FRP is activated, ESF #10 will provide assistance during both the crisis management and consequence management phases as specified in the annex.

III. Situation

A. Disaster Condition

A natural or other disaster could result in numerous situations in which hazardous materials are released into the environment. Fixed facilities (e.g., chemical plants, tank farms, laboratories, operating hazardous waste sites) that produce, generate, use, store, or dispose of hazardous materials could be damaged so severely that existing spill control apparatus and containment measures are not effective. Hazardous materials that are transported may be involved in rail accidents, highway collisions, or waterway mishaps. Abandoned hazardous waste sites could be

damaged, causing further degradation of holding ponds, tanks, and drums. The damage to, or rupture of, pipelines transporting materials that are hazardous if improperly released will present serious problems. Disaster recovery procedures could generate hazardous materials threats to the public health or welfare or to the environment. Terrorism incidents could occur involving WMD.

B. Planning Assumptions

1. States and localities will be overwhelmed by the extent of the response effort required to assess, mitigate, monitor, clean up, and dispose of hazardous materials released into the environment.
2. There will be numerous incidents occurring simultaneously in separate locations, both inland and along coastal waters.
3. Standard communications equipment and practices (phone lines, radio, etc.) will be disrupted or destroyed.
4. Response personnel, cleanup crews, and response equipment will have difficulty reaching the site of a hazardous materials release because of the damage sustained by the transportation infrastructure (roads, rails, bridges, airports, etc.).
5. Additional response/cleanup personnel and equipment will be needed to supplement existing capabilities and to provide backup or relief resources.
6. Even if the disaster does not cause an actual release, there will be considerable concern about facilities that are located in or near the affected area. These facilities will need to be assessed and monitored by ESF #10. Information submitted in compliance with Title III of the Superfund Amendments and Reauthorization Act (SARA), the Clean Air Act Amendments of 1990, the Oil Pollution Act of 1990, and the Hazardous Materials Transportation Uniform Safety Act of 1990 will be useful in identifying such facilities.
7. Laboratories responsible for analyzing hazardous materials samples may be damaged or destroyed.
8. Air transportation will be needed for damage reconnaissance and to transport personnel and equipment to the site of a release.
9. Emergency exemptions will be needed for disposal of contaminated material.
10. ESF #10 responders should expect to be self-sufficient in the early days of the response.
11. Incidents involving WMD will require additional coordination procedures and the need to follow specialized response actions. A WMD response might begin as a routine response action and then later be determined a WMD incident.
12. When a discharge or release involves radioactive material, the Federal response will be consistent with the Federal Radiological Emergency Response Plan (FRERP) or the National Contingency Plan as deemed appropriate by the Lead Federal Agency

(LFA). The FRERP response is coordinated by the LFA, which is the agency that owns, authorizes, regulates, or is otherwise responsible for the source, facility, or radiological activity causing the emergency, and for responding to that emergency.

IV. Concept of Operations

A. Scope

1. EPA will serve as the National Chair and lead agency for each activation of ESF #10, with close coordination with the USCG in geographic locations under USCG jurisdiction. EPA will be the ESF #10 Regional Chair in preparedness and for ESF #10 activations in response to a disaster or emergency affecting areas under EPA jurisdiction. The USCG will be the ESF #10 Regional Incident Chair for a disaster or emergency affecting only areas under USCG jurisdiction.
2. The operational response prescribed in the NCP and any agency implementing procedures that contribute to response will be coordinated through this ESF. This ESF will promote an efficient, coordinated, and effective response to discharges or releases of hazardous materials that threaten human health, welfare, or the environment. In conjunction with the State, the ESF will coordinate the provision of support and the overall management to the various response sites to ensure actions are taken to mitigate, clean up, and dispose of hazardous materials and minimize the impact of the incidents. The ESF promotes close coordination with Federal, State, and local officials to establish priorities for response support.
3. This ESF requires documentation of all response activities to support after-action requirements and justify actions taken by primary and support agencies.
4. Upon activation of ESF #10, one or more OSCs will coordinate and direct oil and hazardous substance removal actions. Depending on the location of the incident(s), the OSC(s) may be provided by either EPA, USCG, DOD, or DOE. The Regional Chair of this ESF is responsible for coordinating OSCs to make the best use of response resources and to avoid gaps or overlaps in response actions.

B. Organization

Figure ESF #10-1 depicts the national and regional organizational structure for this ESF for situations in which oil and/or hazardous substance incidents occur and the NCP is implemented.

1. National-Level Response Support Structure

- a. This ESF will be implemented under the direction of the Director, Chemical Emergency Preparedness and Prevention Office (CEPPO), Office of Solid Waste and Emergency Response, EPA, who will also serve as the Chair for this ESF. For Coastal Zone response, this ESF will also be implemented under the coordinated direction between the Chief, Office of Response, USCG, and the Director of CEPPO consistent with section I.A of this annex.

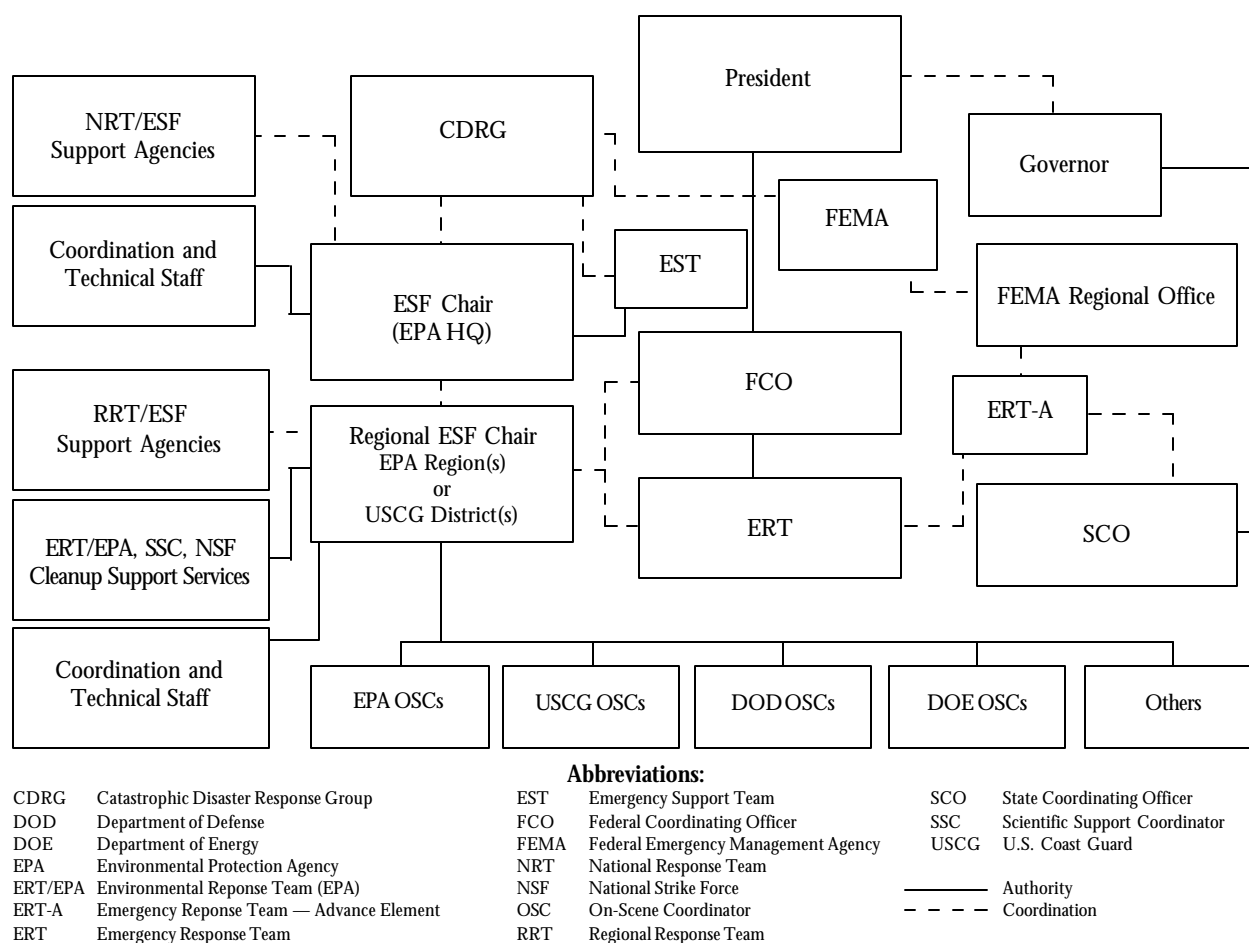


Figure 10-1 — ESF #10 National and Regional Structure

- b. The Chair, or a designated alternate, will represent the ESF in all interactions with the CDRG and will maintain liaison with the ESF Regional Chair.
- c. Following an initial situation assessment, the ESF Chair (in consultation with the ESF Vice-Chair if appropriate) will determine which agencies will be required to continue to provide representatives to the ESF on a 24-hour basis (either by phone or in person) during the emergency response period. The EPA CEPPO and/or USCG Office of Response will provide administrative support to this ESF as appropriate. ESF #10 will operate from EPA and, as appropriate, USCG Headquarters. ESF support agencies will have representatives available immediately by phone on a 24-hour basis.
 - (1) EPA will operate this ESF from the EPA Headquarters Emergency Operations Center (EOC).
 - (2) Where the USCG has jurisdiction, the USCG will operate from the USCG Headquarters Office of Response.

- d. ESF #10 will be represented on the Emergency Support Team (EST) by a predesignated EPA Headquarters and/or USCG Headquarters representative and, if necessary, by select representatives of other ESF support agencies. The purpose of the ESF #10 EST representative is to provide national-level coordination and liaison among ESFs at Headquarters and to provide accurate ESF technical information to ESF #5 — Information and Planning and the CDRG. The EST ESF #10 representative will be in direct contact with the ESF #10 Chair at EPA Headquarters or USCG representatives at USCG Headquarters as appropriate.

The EPA ESF #10 Chair, who is also the ESF #10 CDRG representative, will determine national-level policy relating to the response effort in close coordination with the USCG. The USCG will also provide representation at CDRG meetings as necessary. The ESF #10 Chair will provide guidance and direction to regional response elements as necessary on issues such as interregional resource use, allocation, and mobilization.

- e. Policies and procedures in the NCP will be adhered to in carrying out an oil/hazardous substance response. In certain circumstances, some administrative procedures in the NCP can be streamlined during the immediate response phase. The ESF Chair will consult with the NRT for advice and assistance in carrying out activities under this ESF. Likewise, the ESF Regional Chair will consult with the RRT for such advice or assistance.
- f. In some cases (see sections I.B and III.A), ESF #10 may respond to releases or threatened releases of hazardous materials not typically responded to under the NCP. Applicable policies and procedures in the NCP will be adhered to in carrying out these hazardous materials responses.

2. Regional-Level Response Structure

- a. The EPA RRT Co-Chair will serve as the Regional Chair of this ESF. The USCG Co-Chair of the RRT will serve as Vice-Chair of the regional ESF.
- b. For responses occurring solely in areas of USCG jurisdiction, the USCG RRT Co-Chair will serve as the Regional Incident Chair of this ESF.
- c. The ESF Regional Chair will represent the ESF in its dealings with the FCO and will maintain close coordination with support agencies, other on-scene ESFs, National Chair of the ESF, OSCs, RRT, and State officials.
- d. The regional-level ESF comprises the regional representatives of those Federal agencies listed in section V of this ESF.
- e. In the event of a multi-State incident, the ESF Regional Chair will designate an ESF #10 coordinator for each State. Designees will coordinate response efforts in the assigned State, representing the ESF at the DFO. Designees will closely coordinate decisions with the ESF #10 Chair.

- f. The Regional Chair will designate a representative to the Advance Element of the Emergency Response Team (ERT-A) and, in conjunction with the ESF support agencies, determine the staffing requirements for the full ERT at the DFO. In addition to that of the primary agency, staffing at the DFO may include the USCG, DOD, Department of Commerce/National Oceanic and Atmospheric Administration (DOC/NOAA), and Department of Health and Human Services (HHS).
- g. In the DFO, the Regional Chair will be the primary coordination point between the ESF #10 response activities and the FCO.
- h. When the Terrorism Incident Annex is activated, the Regional Chair will ensure that ESF #10 response activities are fully integrated and coordinated with the Federal Bureau of Investigation's Joint Operations Center.
- i. The Regional Chair will support Federal OSCs provided by EPA for discharges and releases into or threatening areas under EPA jurisdiction, the USCG for discharges or releases into or threatening areas of USCG jurisdiction, DOD for hazardous substance releases from DOD facilities and vessels, or DOE for hazardous substance releases from DOE facilities.
- j. The OSC directs oil and hazardous substance response efforts and coordinates all other Federal efforts at the scene of a discharge or release. Specific response efforts are noted in the NCP and include actions taken as soon as possible to prevent, minimize, or mitigate a threat to public health or welfare, or the environment.
- k. The OSC is supported by a Federal emergency response network that includes the NRT, RRT, and special forces and teams (e.g., National Strike Force, Environmental Response Team, Scientific Support Coordinators, District Response Groups, Radiological Emergency Response Teams, and Supervisor of Salvage and Diving (SUPSALV — Department of the Navy)), which can provide technical assistance, advice, and other services and additional support for cleanup and disposal of released material.
- l. The OSC should consult as needed with the RRT in carrying out response activities and keep the RRT informed of response actions. To the extent possible, the RRT representative also will be the agency's representative to this ESF.
- m. OSC efforts will be coordinated with other appropriate Federal, State, local, or private response agencies. All OSCs involved in implementing this ESF will maintain close coordination with the Regional Chair to ensure that the response is consistent with Federal priorities.

C. Notification

1. FEMA Headquarters will notify the National ESF Chair of a potential or actual FRP or ESF #10 activation.

2. FEMA will notify the National Response Center of a potential or actual FRP or ESF #10 activation. The NRC will notify the Headquarters and Regional Chairs of this ESF and other appropriate Federal and State personnel or their designees. Alternatively, the EPA Region and/or USCG District may be notified of an alert of a potential ESF #10 activation by their corresponding FEMA region.
3. In cases where other Federal assets are initially notified of an incident, they are responsible for contacting the National Response Center and FEMA Headquarters directly.
4. Upon notification, all ESF members will contact their parent agencies, remain in 24-hour phone contact with the ESF (e.g., the EST at the national level and the Regional Operations Center (ROC) staff at the regional level), and be prepared to report to that location as required.

D. Response Actions

1. Initial Actions

- a. The National Chair of this ESF will convene appropriate agency representatives within 2 hours of notification to develop a plan for providing the technical support required. This can be conducted via emergency conference call or by physically locating at the EPA or USCG EOC as appropriate.
- b. The national ESF will focus initially on the following actions:
 - (1) Confirm that members of national and regional ESF staffs have been notified;
 - (2) Ensure that the EPA EOC or USCG EOC is primed to support Federal response activities;
 - (3) Establish communications with the affected regional ESF;
 - (4) Establish communications with designated backup regions and with other appropriate regional and State elements;
 - (5) Coordinate with other national-level ESFs, especially ESF #5;
 - (6) Identify extent of hazardous materials incidents;
 - (7) Identify initial resource requirements; and
 - (8) For terrorism incidents, provide support as required during the crisis management and consequence management phases while continuing to carry out NCP response actions.
- c. The regional-level ESF will become operational upon notification from the FEMA region. Initial actions coordinated under the regional ESF include:
 - (1) Alert members of the regional ESF;
 - (2) Deploy ESF representatives to the ERT-A and to the ERT;

- (3) Coordinate and communicate with the national ESF at the EST;
 - (4) Establish communication with the ROC and/or State EOC (according to regional plans) to obtain initial damage estimates;
 - (5) Establish communications with EPA backup regions. The EPA ESF #10 Regional Chair will request assistance for backup by calling other EPA regions for support. Backup regions should coordinate with EPA Headquarters before deploying to the disaster and work through EPA Headquarters to obtain any additional resources required. Where the USCG has jurisdiction, it will establish communications with primary pre-designated USCG backup districts. USCG-designated backup districts are expected to provide initial response support behind the affected district. Backup districts should coordinate with USCG Headquarters before deploying to the disaster and work through USCG Headquarters to obtain any additional resources required; and
 - (6) Assess the situation, including the nature, amount, and locations of real or potential releases of hazardous materials; pathways to human and environmental exposure; probable direction and time of travel of the materials; potential impact on human health, welfare, safety, and the environment; types, availability, and location of response resources, technical support, and cleanup services; and priorities for protecting human health and welfare, and the environment.
- d. Upon identification of releases or potential releases of oil and hazardous substances, the Regional Chair of this ESF will coordinate closely with the OSC(s) and the RRT (if convened) to develop and implement a response strategy.

2. Continuing Actions

Upon becoming fully operational and throughout the response period, the ESF support agency representatives (national and regional) will coordinate with their agencies to meet ESF needs and carry out ESF actions. The regional ESF, under the direction of the ESF Regional Chair, will:

- a. Receive damage information from reconnaissance teams, other ESFs, and Federal, State, and local agencies;
- b. In coordination with Federal, State, and local agencies, identify support requirements and establish response priorities;
- c. Validate priorities and identify resources required;
- d. Work with State and local governments and other Federal agencies to maximize use of available regional assets and identify resources required from outside the region; and initiate actions to locate and move resources into the disaster area (transport of resources to be coordinated with ESF #1 — Transportation);

- e. Continue to coordinate on-scene response operations through this ESF as expressed in section I.C, including stabilization of berms, dikes, or impoundments; capping of contaminated soil or sludge; use of chemicals and other materials to contain or retard the spread of the release or mitigate its effects (e.g., safety fences); drainage controls to ensure proper drainage; fences, warning signs, or other security or site control precautions; removal of highly contaminated soil from drainage or other areas; and removal of drums, barrels, tanks, or other bulk containers that contain hazardous materials;
- f. Because of the potential for response to numerous simultaneous events, OSCs will, as time permits, coordinate all significant actions with the ESF Regional Chair. Significant actions are considered those that relate to competition for and commitment of resources not under their control, recommendations to State officials as to protective actions, or the impact on other response activities or priorities;
- g. Maintain close coordination with the DFO to share information and ensure effective response to requests for assistance. The regional ESF will provide written situation reports to the ESF #10 National Chair on a regular basis as specified at the time of response (at a minimum, every shift change); and
- h. For terrorism incidents, provide support as required during crisis management and consequence management while continuing to carry out ESF #10 response actions.

V. Responsibilities

A. Primary Agency: Environmental Protection Agency, with the U.S. Coast Guard as Regional Incident-Specific Chair During Certain Events

- 1. Maintain close coordination between Headquarters and the affected regional office(s); the USCG, as appropriate; the CDRG; the EST; other ESFs; and the NRT;
- 2. Provide damage reports and assessments to support ESF #5;
- 3. Facilitate resolution of any conflicting demands for hazardous materials response resources. Coordinate (through headquarters) the program of backup support from other regions to the affected area;
- 4. Provide technical, coordination, and administrative support and personnel, facilities, and communications for this ESF;
- 5. Coordinate, integrate, and manage the overall Federal effort to detect, identify, contain, clean up, or dispose of or minimize releases of oil or hazardous substances, or prevent, mitigate, or minimize the threat of potential releases;
- 6. Provide expertise on environmental effects of oil discharges or releases of hazardous substances, pollutants, or contaminants and environmental pollution control techniques;

7. Provide OSCs; and
8. Provide Chair for NRT and Co-Chairs for RRTs.

B. Support Agencies

During the planning or implementation of a response, the Federal agencies listed are prepared to provide the following assistance in their respective areas of expertise. The assistance provided by each agency is consistent with its capability and legal authority.

1. Department of Agriculture

- a. Ensure the purity and wholesomeness of meat and meat products, poultry and poultry products, and egg products;
- b. Prevent the distribution of contaminated meat and meat products, poultry and poultry products, and egg products;
- c. Measure, evaluate, and monitor the impact of the emergency incident on natural resources under the Department of Agriculture's jurisdiction;
- d. Provide predictions of the effects of pollutants on soil and their movements over and through soil;
- e. Assist in developing protective measures and damage assessments;
- f. Assist in providing livestock feed;
- g. Assist in the disposition of livestock and poultry affected by radiation;
- h. Assist, in coordination with HHS, EPA, and USCG, in the production, processing, and distribution of food; and
- i. Provide information and assistance to farmers.

2. Department of Commerce, National Oceanic and Atmospheric Administration

- a. Acquire and disseminate weather data, forecasts, and emergency information;
- b. Provide expertise on natural resources and coastal habitat, the environmental effects of oil and hazardous substances, and appropriate cleanup and restoration alternatives;
- c. Coordinate scientific support for responses in coastal and marine areas, including assessments of the hazards that may be involved;
- d. Predict pollutant movement, dispersion, and characteristics (atmospheric or marine) over time;
- e. Provide information on meteorological, hydrological, ice, and oceanographic conditions for marine, coastal, and inland waters; and
- f. Provide charts and maps for coastal and territorial waters and the Great Lakes.

3. Department of Defense

- a. Direct response actions for releases of hazardous substances from its vessels, facilities, and vehicles; and
- b. Provide personnel and equipment to other Federal organizations and State and local governments (such as SUPSALV), as requested, if consistent with DOD operational requirements.

4. Department of Energy

- a. Direct response actions for releases of hazardous substances from its vessels, facilities, and vehicles; and
- b. Provide advice in identifying the source and extent of radioactive releases relevant to the NCP, and in the removal and disposal of radioactive contamination.

5. Department of Health and Human Services

- a. Provide assistance on all matters related to the assessment of health hazards at a response and protection of both response workers and the public health;
- b. Determine whether illnesses, diseases, or complaints may be attributable to exposure to a hazardous substance;
- c. Establish disease/exposure registries and conduct appropriate testing; and
- d. Develop, maintain, and provide information on the health effects of toxic substances.

6. Department of the Interior

Provide assistance and expertise in fish and wildlife resources, geology and hydrology, earthquakes and other natural hazards, minerals, soils, vegetation, mining activities, identification of hazardous substances, biological and general natural resources, cultural resources, matters affecting lands administered by the Department of the Interior, and matters affecting Indian lands and resources, National parks, wildlife refuges, and fish hatcheries.

7. Department of Justice

Provide expert advice on complicated legal questions arising from the Federal response.

8. Department of Labor, Occupational Safety and Health Administration

Provide advice and consultation to EPA and other NRT/RRT agencies, as well as to the OSC, regarding hazards to persons engaged in response activities. The Occupational Safety and Health Administration (OSHA) also may take any other action necessary to ensure that employees are properly protected. Any questions about occupational safety and health at these sites may be referred to the OSHA Regional Office.

9. Department of State

Provide advice and assistance in coordinating an international response when a discharge or release crosses international boundaries or involves foreign flag vessels.

10. Department of Transportation

a. Research and Special Programs Administration

Provide expertise on all modes of transporting oil and hazardous substances, including information on the requirements for packaging, handling, and transporting regulated hazardous materials; and

b. U.S. Coast Guard

- (1) Assist ESF #10 primary agency (EPA) in preparedness and response coordination activities for ESF #10. Such assistance may include responsibility as Regional Vice-Chair of this ESF during preparedness and as Regional Incident Chair of ESF #10 during response;
- (2) Provide the Federal OSCs for response to oil and hazardous substance events occurring within its jurisdiction;
- (3) Provide Vice-Chair for the NRT and Co-Chairs for RRTs;
- (4) Within its jurisdiction, coordinate, integrate, and manage the overall Federal effort to detect, identify, contain, clean up, or dispose of or minimize releases of oil or hazardous substances; prevent, mitigate, or minimize the threat of potential releases;
- (5) Maintain the National Response Center;
- (6) Manage the National Strike Force, which consists of three Strike Teams located on the Pacific, Atlantic, and Gulf coasts, to provide technical advice, assistance, and communications support for response actions;
- (7) Offer expertise in domestic and international port safety and security, maritime law enforcement, ship navigation, and the manning, operation, and safety of vessels and marine facilities; and
- (8) Maintain continuously staffed facilities that can be used for command, control, and surveillance of oil discharges and hazardous substance releases occurring within its jurisdiction.

11. Nuclear Regulatory Commission

Coordinate the Federal effort to mitigate the radiological consequences of an emergency involving a facility licensed by the Nuclear Regulatory Commission or an Agreement State in accordance with the FRERP. The Nuclear Regulatory Commission and EPA will coordinate their responses to an emergency involving both a radiological and chemical release in accordance with joint Nuclear Regulatory Commission/EPA implementing procedures.

C. Other Agencies

Other Federal agencies may be called upon to provide advice and assistance as needed.

VI. References

- A. Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9601, *et seq.* (CERCLA — more popularly known as “Superfund”).
- B. Clean Water Act, as amended, 33 U.S.C. 1321.
- C. Oil Pollution Act of 1990, 33 U.S.C. 1321.
- D. Clean Air Act, as amended, 42 U.S.C. 7401.
- E. Transportation of Hazardous Material, 49 U.S.C. 5101.
- F. National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR 300.
- G. Executive Order 12580, Superfund Implementation.
- H. Executive Order 11735, Assignment of Functions Under Section 311 of the Federal Water Pollution Control Act, as amended.
- I. Joint U.S./Mexico Contingency Plan for Accidental Releases of Hazardous Substances Along the Border, January 1988.
- J. U.S./Mexico Marine Environment Agreement, July 1980.
- K. U.S./Canada Joint Marine Pollution Contingency Plan, September 1983, revised 1986.
- L. Canada/U.S. Joint Inland Pollution Contingency Plan, July 1994.
- M. Joint Contingency Plan in the Bering and Chukchi Seas, October 17, 1989 (U.S./U.S.S.R.).
- N. Superfund Amendments and Reauthorization Act of 1986, including the Emergency Planning and Community Right-to-Know Act (SARA Title III) of 1986.

VII. Terms and Definitions

A. Comprehensive Environmental Response, Compensation, and Liability Act, as amended (CERCLA)

More popularly known as “Superfund,” CERCLA was passed to provide the needed general authority for Federal and State governments to respond directly to hazardous substances incidents.

B. District Response Group

Established in each USCG District, the District Response Group is primarily responsible for providing the OSC with technical assistance, personnel, and equipment during responses typically involving marine zones.

C. Environmental Response Team

Established by EPA, the Environmental Response Team includes expertise in biology, chemistry, hydrology, geology, and engineering. The Environmental Response Team provides technical advice and assistance to the OSC for both planning and response to discharges and releases of oil and hazardous substances into or threatening the environment.

D. Hazardous Materials

Under this ESF, hazardous materials are defined broadly to include oil, CERCLA hazardous substances, pollutants and contaminants as defined in CERCLA section 101(33), and certain chemical and biological WMD. Federal response to hazardous materials is carried out under the NCP.

E. Hazardous Substances

Under this ESF, hazardous substances are defined by section 101(14) of CERCLA.

F. National Oil and Hazardous Substances Pollution Contingency Plan (NCP)

The NCP (40 CFR 300) administers the response powers and capabilities authorized by CERCLA and section 311 of the Clean Water Act. The NCP applies to all Federal agencies and provides for efficient, coordinated, and effective response to discharges of oil and releases of hazardous substances, pollutants, and contaminants.

G. National Response Center (NRC)

A national communications center for activities related to oil and hazardous substance response actions. The National Response Center, located at USCG Headquarters in Washington, DC, receives and relays notices of oil and hazardous substances releases to the appropriate Federal OSC. The 24-hour number is 1 (800) 424-8802, or in Washington, DC, (202) 267-2675.

H. National Response Team (NRT)

The NRT, composed of the 16 Federal agencies with major environmental and public health responsibilities, is the primary vehicle for coordinating Federal agency activities under the NCP. The NRT carries out national planning and response coordination and is the head of a highly organized Federal oil and hazardous substance emergency response network. EPA serves as the NRT Chair (Director, Chemical Emergency Preparedness and Prevention Office), and the USCG serves as Vice-Chair.

I. National Strike Force

The National Strike Force consists of three Strike Teams established by the USCG on the Pacific, Atlantic, and Gulf coasts. The Strike Teams can provide advice and technical assistance for oil and hazardous substances removal, communications support, special equipment, and services.

J. On-Scene Coordinator (OSC)

The Federal official pre-designated to coordinate and direct hazardous substance removal actions. Depending upon the location of the incident, the OSC may be provided either by EPA, USCG, DOD, or DOE. OSCs from DOD and DOE will be used to coordinate and direct actions at their respective agency facilities.

K. Radiological Emergency Response Teams

EPA's Office of Indoor Air and Radiation provides Radiological Emergency Response Teams (RERTs) to support and respond to incidents or sites containing radiological hazards. These teams provide expertise in radiation monitoring, radionuclide analyses, radiation health physics, and risk assessment. RERTs can provide both mobile and fixed laboratory support during a response.

L. Regional Response Teams (RRTs)

Regional counterparts to the NRT, the RRTs are made up of regional representatives of the Federal agencies on the NRT and representatives of each State within the region. The RRTs serve as planning and preparedness bodies before a response, and provide coordination and advice to the Federal OSC during response actions.

M. Scientific Support Coordinator (SSC)

Under the direction of the Federal OSC, a Scientific Support Coordinator leads a team of scientists that provides scientific support for response operational decisions and for coordinating on-scene scientific activity. Generally, a Scientific Support Coordinator is provided by NOAA in coastal zones and by EPA in the inland zone.

N. Supervisor of Salvage and Diving (SUPSALV)

SUPSALV is a salvage, search, and recovery operation established by the Department of Navy. SUPSALV has extensive experience to support response activities, including specialized salvage, firefighting, and petroleum, oil, and lubricants offloading. SUPSALV, when available, will provide equipment for training exercises to support national and regional contingency planning.

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